

2007 No. []

**ECCLESIASTICAL LAW, ENGLAND**

**The National Institutions of the Church of England (Transfer of Functions) Order 2007**

*Made by the Archbishops acting jointly*      [] March 2007

*Laid before Parliament*                              [] March 2007

*Coming into force in accordance with Article 1.*

The Archbishops of Canterbury and York, in exercise of the powers conferred on them by section 5 of the National Institutions Measure 1998(1), hereby make the following Order, a draft of which has been approved by the General Synod in accordance with section 5(5) of that Measure—

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the National Institutions of the Church of England (Transfer of Functions) Order 2007 and shall come into force on [] 2007.

(2) In this Order—

“the Central Board” means the Central Board of Finance, and

“the Council” means the Archbishops’ Council.

**Transfer of functions of Central Board of Finance**

2.—(1) The functions of the Central Board under the following statutory provisions are hereby transferred to the Council—

(a) section 1 of the Ecclesiastical Commissioners (Loans for Church Training Colleges) Measure 1931(2);

(b) section 62(1) of the Ecclesiastical Jurisdiction Measure 1963(3);

(c) section 1(a) of the Church Commissioners (Loans for Theological Colleges and Training Houses) Measure 1964(4);

(d) paragraph 4 of Schedule 2 to the Incumbents (Vacation of Benefices) Measure 1977(5);  
and

(e) section 1(3) of the Church of England (Legal Aid) Measure 1994(6).

(2) Any function of the Central Board which it exercises as a trustee of a charitable trust, if it has not already been transferred, is hereby transferred to the Council.

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(1) 1998 No.1.  
(2) 21 & 22 Geo.5 No.2.  
(3) 1963 No.1.  
(4) 1964 No.1.  
(5) 1977 No.1.  
(6) 1994 No.3.

### Supplementary

3.—(1) Any statutory provision, and any other instrument or contract, in force immediately before the appointed day shall have effect for the purposes or in consequence of the transfer of any function of the Central Board by virtue of Article 2 above, as if any reference therein to that Board were a reference to the Council.

(2) This Order shall not affect the validity of anything done by or in relation to the Central Board before the appointed day; and anything (including legal proceedings) which on that day is in process of being done by or in relation to that Board in connection with a function transferred by virtue of Article 2 above may be continued by or in relation to the Council.

(3) Anything done by the Central Board for the purposes of or in connection with a function transferred by virtue of Article 2 above which is in force immediately before the appointed day shall have effect, so far as required for continuing its effect on and after that day, as if done by the Council.

(4) The amendments specified in the Schedule to this Order shall have effect.

The draft of this Order was approved by the General Synod of the Church of England on  
[] February 2007

Church House, London

*David Williams*  
Clerk to the Synod

Made by the Archbishops of Canterbury and York jointly  
[] March 2007

Lambeth Palace, London

*+Rowan Cantuar*  
Archbishop of Canterbury

Bishophthorpe Palace, York

*+Sentamu Ebor*  
Archbishop of York

## SCHEDULE

### AMENDMENT OF STATUTORY PROVISIONS

#### **Ecclesiastical Commissioners (Loans for Church Training Colleges) Measure 1931**

1. In section 3 of the Ecclesiastical Commissioners (Loans for Church Training Colleges) Measure 1931 for the words “Central Board of Finance” there shall be substituted the words “Archbishops’ Council”.

#### **Ecclesiastical Jurisdiction Measure 1963**

2. The Ecclesiastical Jurisdiction Measure 1963 shall be amended as follows—

- (a) in section 62(2) for the words “Central Board” there shall be substituted the words “Archbishops’ Council”; and
- (b) in section 66 the definition of “the Central Board” shall be omitted.

#### **Compensation of Clergy Rules 1970**

3. In rule 12(6) of the Compensation of Clergy Rules 1970<sup>(7)</sup> for the words “Central Board of Finance” there shall be substituted the words “Archbishops’ Council”.

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(7) S.I. 1970/1009.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order transfers, under section 5 of the National Institutions Measure 1998, certain functions of the Central Board of Finance of the Church of England to the Archbishops' Council.